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7 IN THE UNITED STATES DISTRICT COURT
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 IN RE: BEXTRA AND CELEBREX
11 MARKETING SALES PRACTICES AND
12 PRODUCT LIABILITY LITIGATION,
13 _____/

CASE NO. 05-1699 CRB

MDL No. 1699 CRB

**ORDER RE JULY 9, 2009
SUBMISSION**

14 *This document relates to:*

15 Edward Earl Thomas, 06-3674 CRB
16 _____/

17 The Court received on July 9, 2009 a new letter from pro se plaintiff Edward E.
18 Thomas captioned “supplemental brief, appeal de no, emergency appeal, and motion ‘time
19 violation’/conflict of interest.” The letter asks this Court to send Plaintiff legal materials
20 relating to product liability, as well as a lawyer. It goes on to complain about mail fraud and
21 threats from other inmates involving family members.

22 The Court has repeatedly advised Plaintiff that he may challenge the conditions of his
23 incarceration in an appropriate forum, but that such a challenge is beyond the scope of
24 Plaintiff’s suit against Pfizer, Inc. In addition, the Court is not in a position to send Plaintiff
25 legal materials, and will not appoint him counsel. There is no constitutional right to counsel
26 in a civil case unless an indigent litigant may lose his physical liberty if he loses the
27 litigation. See Lassiter v. Dep’t of Social Servs., 452 U.S. 18, 25 (1981); Rand v. Rowland,
28 113 F.3d 1520, 1525 (9th Cir. 1997), reh’g en banc on other grounds, 154 F.3d 952 (9th Cir.
1998). Plaintiff has not demonstrated, nor claimed, that he is indigent or at risk of losing his
physical liberty.

To the extent Plaintiff has made a motion to this Court it is DENIED.

IT IS SO ORDERED.

Dated: July 14, 2009

A handwritten signature in black ink, appearing to be 'C. R. Breyer', written over a horizontal line.

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE